



INTERIOR BOARD OF INDIAN APPEALS

Ute Distribution Corporation v. Western Regional Director,
Bureau of Indian Affairs

40 IBIA 232 (02/07/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

UTE DISTRIBUTION CORPORATION,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	Docket No. IBIA 04-13-A
	:	
WESTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	February 7, 2005

This is an appeal from a September 18, 2003, letter from the Western Regional Director, Bureau of Indian Affairs, concerning whether decorative rock is a tribal asset subject to the joint management of the Ute Indian Tribe and the Ute Distribution Corporation.

Appellant Ute Distribution Corporation failed to file an opening brief or statement of reasons with the Board of Indian Appeals (Board). In an order dated April 20, 2004, Appellant was reminded that it bears the burden of proving the error in the decision being appealed. Its notice of appeal provided no explanation of the basis of its appeal.

On November 30, 2004, the Board ordered Appellant to show cause, on or before January 7, 2005, why this appeal should not be summarily dismissed. See, e.g., Dewey County, South Dakota v. Acting Aberdeen Area Director, 34 IBIA 247 (2000) ("In its appeal to the Board, Appellant made no arguments in its Notice of Appeal and did not file a brief.").

Appellant did not respond.

Therefore, pursuant to the authority delegated to the Board by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed for failure to prosecute.

// original signed
Colette J. Winston
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge